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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re J.A., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.A.,

Defendant and Appellant.

E062078

(Super.Ct.No. J251223)

O P I N I O N

APPEAL from the Superior Court of San Bernardino County. Lynn M. Poncin,  
Judge. Affirmed.

Rex Adam Williams, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Kamala D. Harris, Attorney General, Gerald L. Engler, Chief Assistant Attorney  
General, Julie L. Garland, Assistant Attorney General, and Charles C. Ragland and  
Teresa Torreblanca, Deputy Attorneys General, for Plaintiff and Respondent.

## I. INTRODUCTION

Defendant and appellant, J.A. (minor), appeals from an adjudication of a probation violation and disposition in a Welfare and Institutions Code section 602 case. Minor contends the finding of a probation violation must be reversed because no substantial evidence showed that he left the premises of his placement or any program-sanctioned activity. He further argues that the probation condition was vague.

We find no error, and we affirm.

## II. FACTS AND PROCEDURAL BACKGROUND

On September 16, 2013, a juvenile delinquency petition was filed charging minor with possessing a weapon on school grounds. (Pen. Code, § 626.10, subd. (a)(1).) On October 17, 2013, the court placed him on informal probation under Welfare and Institutions Code section 654.2.

On November 1, 2013, the probation department requested a hearing on an alleged violation of probation; specifically, minor's mother reported he had been "getting high, not following her rules, not coming home when she [told] him and sometimes staying out all night." In addition, he was late to school daily and was failing classes. On November 15, 2013, the court terminated informal probation and reinstated the petition. The court granted the People's motion to reduce the offense to a misdemeanor under Penal Code section 17, subdivision (b), and minor admitted the allegation.

At the dispositional hearing on December 17, 2013, the court declared minor a ward and placed him in his mother's custody under the supervision of the probation department.

On January 9, 2014, the People filed a petition alleging minor had violated his probation conditions by twice leaving home without permission, testing positive for marijuana use, and being absent from school without an excuse. On January 10, 2014, the court ordered him to serve 30 days in juvenile hall.

On February 21, 2014, the People filed another petition alleging minor had violated his probation conditions by leaving home without permission and by being absent from school without an excuse. On February 24, 2014, minor admitted a probation violation. The court ordered him to serve 45 days in custody and to be released to the custody of his mother thereafter.

On May 13, 2014, the People filed yet another petition alleging a probation violation, again for leaving home without permission and being absent from school without an excuse, as well as by failing to report to his probation officer. On June 17, 2014, the People filed a petition alleging minor had again violated Penal Code section 626.10, subdivision (a)(1) by possessing a knife at school.

After a contested hearing, the court found the probation violation true and dismissed the petition alleging a new offense without prejudice. The court removed minor from his mother's custody and placed him in foster care. The court added probation conditions, which included condition 23, as follows: "Not leave the premises

or program-sanctioned activities without explicit authority of those persons into whose supervision, care, custody and control he/she is committed.”

Condition 23 was one of four additional conditions of probation imposed on June 17, 2014, when the juvenile court ordered minor placed in juvenile hall “awaiting placement in foster care facility.” (Capitalization omitted.) The court’s minute order states: “Minor and mother are given a copy of placement terms and conditions.” (Capitalization omitted.) The court read the additional conditions in open court, and minor acknowledged that he understood them and was willing to follow them. A minute order dated July 8, 2014, states that minor was “screened and accepted” at Philos Adolescent Treatment Center (Philos), that the probation officer had read him his terms and conditions of probation, and that minor had acknowledged that he understood the placement terms.

On August 1, 2014, the People filed a petition alleging minor had violated condition 23 by leaving a “placement-sanctioned activity” without permission. At the hearing on the petition, Loma Lawson, the facility manager for Philos, testified that Philos was a treatment facility for young men. Among other things, the facility helps the residents get enrolled in school and takes them to appointments. Lawson testified that on August 1, 2014, she was “tasked to supervise” minor on a visit to a medical facility. Minor walked out of her sight without her permission, and when she was unable to find him, she called the sheriff. Minor’s whereabouts were unknown until August 20, 2014.

The court found the allegation of the probation violation true. This appeal ensued.

### III. DISCUSSION

In a probation revocation proceeding, the People bear the burden of proving a probation violation by a preponderance of the evidence. (*People v. Rodriguez* (1990) 51 Cal.3d 437, 441.)

Minor concedes that he left the medical facility without permission. He argues, however, that “[t]he phrase ‘the premises’ is not defined in any way and because there are no specific ‘premises’ otherwise identified in the probationary orders, the premises to which the condition refers is not at all clear.” We disagree. In context, the term “premises” in condition 23 refers unequivocally to minor’s placement at Philos.

Minor also argues that no evidence showed that the medical facility was within “the premises” referred to in condition 23, and thus, the evidence failed to show that minor left the premises of his placement. However, minor was a fugitive for more than two weeks. Whether he absconded directly from Philos or from another location, he was absent from Philos’s premises for more than two weeks.

He further argues that no evidence showed that the medical facility or his presence there was a “program-sanctioned activit[y],” and thus the evidence did not support a finding that he left a program-sanctioned activity by leaving the medical facility. Again, we disagree. Lawson was tasked with supervising minor on a visit to the medical facility, and minor left her company without authorization.

Minor argues that condition 23 was vaguely worded because the terms “the premises” and “program-sanctioned activities” are not defined.

“Trial courts have broad discretion to prescribe probation conditions in order to foster rehabilitation and to protect public safety. [Citations.] However, probation conditions may be challenged on the grounds of unconstitutional vagueness and overbreadth. [Citation.] . . . . ‘The underlying concern of the vagueness doctrine is the core due process requirement of adequate notice . . . .’ [Citation.] A probation condition which either forbids or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application, violates due process. To avoid being void for vagueness, a probation condition “‘must be sufficiently precise for the probationer to know what is required of him. . . .” [Citations.]”’ (*People v. Freitas* (2009) 179 Cal.App.4th 747, 750.)

Probation conditions are interpreted in context and with common sense and consistent with the meaning that a reasonable, objective person would understand them to mean. (*In re Ramon M.* (2009) 178 Cal.App.4th 665, 677.) In our view, the *only* common sense interpretation of condition 23 is that it forbade minor from being absent from Philos and from leaving Lawson’s custody when she accompanied him on a visit to a medical facility. No reasonable person would have believed otherwise. We reject minor’s contention that the condition was vague. Minor clearly violated that condition when he walked away from Lawson without permission when she had been tasked to accompany him to the medical facility.

#### IV. DISPOSITION

The order appealed from is affirmed.

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KING  
J.

We concur:

McKINSTER  
Acting P. J.

MILLER  
J.